

Notice of Allowability

Application No.

10/672,425

Examiner

Dr. Kelechi C. Egwim

Applicant(s)

COELLO ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filings on 11/17/2006.
2. ☒ The allowed claim(s) is/are 1-7 and 10-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Election/Restrictions

1. Claim 1 allowable. The restriction requirement as set forth in the Office action mailed on 09/23/2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 12, 13, 52, 53 and 55-58, directed to the species of the allowable generic claim 1, are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 59-72, directed to the nonelected process remain withdrawn from consideration because they do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John. Fulton, Jr. on 1/3/07.

The application has been amended as follows:

IN THE CLAIMS

In claim 1, line 7, delete "short chain".

In claim 22, line 7, delete "short chain" and substitute thereof --polyvinyl acetate—.

In claim 24, line 2, delete "short chain" and substitute thereof --polyvinyl acetate—.

In claim 35, line 8, delete "short chain".

In claim 42, line 2, delete "short chain".

In claim 52, lines 4,6,8,10,12,14,16,18-20 and 23, in each occurrences, delete the words "generally".

In claim 52, line 6, after "polyvinyl acetate" insert --homopolymer--.

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In claim 53, lines 4,6,8,10,12,14,16,18, 20-22 and 25, in each occurrences, delete the words "generally".

In claim 53, line 6, after "polyvinyl acetate" insert –homopolymer--.

In claim 54, line 6, delete "short chain".

In claim 55, lines 4,6,8,10,12,14,16,18-20 and 23, in each occurrences, delete the words "generally".

In claim 55, line 6, after "polyvinyl acetate" insert –homopolymer--.

In claim 56, lines 4,6,8,10,12,14,16,18-20 and 23, in each occurrences, delete the words "generally".

In claim 56, line 6, after "polyvinyl acetate" insert –homopolymer--.

In claim 57, lines 4,6,9,10,12,14,16,18-20 and 23, in each occurrences, delete the words "generally".

In claim 57, line 6, after "polyvinyl acetate" insert –homopolymer--.

In claim 58, lines 4,6,8,10,12,14,16-18 and 21, in each occurrences, delete the words "generally".

In claim 58, line 6, after "polyvinyl acetate" insert –homopolymer--.

Cancel claims 59-72.

3. The following is an examiner's statement of reasons for allowance: None of the prior art was found to teach or sufficiently suggest the present temporary aqueous aerosol paint compositions, formulated to substantially degrade within four weeks of application onto a surface, comprising aqueous solvent, at least one pigment compound, at least one filler compound and an aqueous propellant component, in combination with a polyvinyl acetate homopolymer dispersion.

Thus, claims 1-7 and 10-58 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

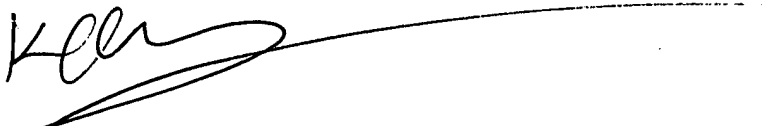
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KELECHI C. EGWIM PH.D.
PRIMARY EXAMINER

KCE

A handwritten signature in black ink, appearing to read 'KCE', followed by a long horizontal line extending to the right.